THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.11524 OF 2006

26th June 2006

Between:

Ch.Satyanarayana, S/o.Surayya, 57 years, Superintendent,
O/o.Director General, Special Protection Force, Red Hills, Hyderabad.

...PETITIONER

AND

1. The State of Andhra Pradesh rep.by its Principal Secretary to Government, Home Department, Secretariat Buildings, Hyderabad.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.11524 OF 2006

ORDER: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard Dr.P.B.Vijaya Kumar, the learned counsel appearing on behalf of the petitioner and the learned Government Pleader for Services I appearing on behalf of the respondents.

At their request, the Writ Petition itself is taken up for disposal at the stage of admission.

The petitioner files this Writ Petition, *inter alia*, seeking to assail the order dated 23.01.2006 in VMA.No.804 of 2004 in O.A.No.5520 of 2004 on the file of the A.P.Administrative Tribunal, Hyderabad ('the Tribunal' for brevity) vacating the interim order pending the substantive application filed under Section 19 of the Administrative Tribunals Act, 1985.

Though several contentions are urged across the bar from both

the sides, the only point that remains for consideration is that the respondents treated the promotion as leave vacancy and the person who had gone on leave, has come and joined and as such, the petitioner was reverted whereas it is pointed out from both the sides that it is not a case of leave vacancy but the main question is in regard to the matter of qualification on the part of the petitioner. These and other aspects, as pointed out from both the sides, cannot be considered by the Tribunal before passing any orders. Therefore, the matter requires reconsideration.

The Writ Petition is accordingly allowed without going into the merits. The order dated 23.01.2006 in VMA.No.804 of 2004 is set aside. The Tribunal shall reconsider the application afresh on merits and dispose of the same in accordance with law. No costs.

(B.PRAKASH RAO, J)

(RAMESH RANGANATHAN, J)

26th June 2006
RRB